

REMARKS

Claims 4-15 are currently pending.

Rejection under 35 U.S.C. §103

On the merits, claims 4-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hoenninger et al. in view of Lindsley.

To this end, the Examiner stated correctly that Hoenninger does not disclose a method of programming in which instructions within a task can cause a switch of the priority (running level) in which the task is executed. The Examiner, however, stated that Lindsley discloses such a limitation. Applicants respectfully disagree.

Lindsley neither discloses or suggests such a mechanism. Lindsley merely discloses a multi-tasking operating environment providing so called tasks which are executed in parallel which in its essence is not very different from the previously asserted reference Fletcher. The Examiner stated that Lindsley discloses providing at least a second instruction for the task that enables a waiting for condition to be satisfied. The Examiner states that element 465 in Fig. 5 describes such an instruction. Applicants respectfully disagree. Element 465 is a register and not an instruction. It is not clear from the Examiner's argumentation what type of instruction described in Lindsley should be considered as an "instruction that enables a waiting for condition to be satisfied" as claimed in the present independent claim 4. According to the independent claims a specific instruction within a sequential program comprising sequential instructions executed at a first priority will be executed with a higher priority. Lindsley does not disclose any such mechanism.

The instructions disclosed by Lindsley are operating system instructions that perform certain operating system functions. For example, the "add task" instruction adds a new task to the runtime level having a defined priority. The "task exit" function causes a task to terminate. The "modify priority" causes a modification of the priority. However, all these instructions are not executed at a different priority. At best, one of these functions causes a task to be executed at a different priority. However, the instruction itself is not executed at a different priority.

Generally, Lindsley describes a multi-tasking system in which tasks are executed at different priorities. Thus, a scheduler in the core of the operating system decides to switch to different tasks at different times. Thus, once the task is entered, it will be executed with a certain priority and may, thus, win over other tasks with a lower priority. Thus, if there is any waiting for a condition instruction disclosed in Lindsley, it is not executed with a different priority. For example, the "switch task" function could maybe interpreted as a waiting for condition to be satisfied instruction. However, this function is not executed at a different priority. On the contrary, Lindsley never even mentions the word priority when describing this function. See col. 17, line 36 to col. 18, line 24.

On the contrary, independent claims 1 and 8 of the present application concerns the programming of a cyclical machine in which a specific instruction within an instruction sequence is executed with a different priority than the instructions of the sequence. Lindsley neither discloses nor suggests such a mechanism. None of the cited prior art discloses a system that executes a specified instruction, namely a "waiting for condition to be satisfied" - instruction, within an instruction stream with a higher priority than the other instructions and keeps that priority for following instructions until another instruction sets the priority back.

The dependent claims include all the limitations of the respective independent claims and are therefore patentable at least to the extent of the independent claims. As stated above, Applicant believes that the independent claims are not obvious in light of the prior art. Thus, applicant respectfully requests to defers any arguments with respect to the dependent claims at this time.

Summary

In light of the above remarks, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0210.

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: May 4, 2005

By: 
Andreas H. Grubert
(Limited recognition 37 C.F.R. §10.9)
AGENT FOR APPLICANTS

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2545
512.322.8319 (Fax)